

12/04/2024

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

TEKLA BALFOUR-BROWNE, on behalf of himself and all others similarly situated,

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Wolf Popper LLP, 845 Third Avenue, New York, NY, 10022, (212) 759-4600

## DEFENDANTS

EDEN FINE ART NY INC. d/b/a EDEN GALLERY, CATHIA KLIMOVSKY, GUY MARTINOVSKY, GAL YOSEF, and CETRA ART CORP.

## ATTORNEYS (IF KNOWN)

Morrison Cohen, LLP (NY), 909 Third Avenue, New York, NY 10022, (212)-735-8837

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Class action for breach of contract and, in the alternative, breach of the duty of good faith, unjust enrichment, and violations NY GBL 349.

Has this action, case, or proceeding, or one essentially the same, been previously filed in SDNY at any time? No  Yes  \_\_\_\_\_  
(If yes, Judge Previously Assigned)

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	<input type="checkbox"/> 310 AIRPLANE <input type="checkbox"/> 315 AIRPLANE PRODUCT <input type="checkbox"/> LIABILITY <input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY <input type="checkbox"/> 340 MARINE <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY <input type="checkbox"/> 350 MOTOR VEHICLE <input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY <input type="checkbox"/> 360 OTHER PERSONAL INJURY <input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY <input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY <input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY <input type="checkbox"/> 370 OTHER FRAUD <input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY <input type="checkbox"/> 21 USC 881 <input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 422 APPEAL <input type="checkbox"/> 28 USC 158 <input type="checkbox"/> 423 WITHDRAWAL <input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 375 FALSE CLAIMS <input type="checkbox"/> 376 QUI TAM <input type="checkbox"/> 400 STATE REAPPORTIONMENT <input type="checkbox"/> 410 ANTITRUST <input type="checkbox"/> 430 BANKS & BANKING <input type="checkbox"/> 450 COMMERCE <input type="checkbox"/> 460 DEPORTATION <input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) <input type="checkbox"/> 480 CONSUMER CREDIT <input type="checkbox"/> 485 TELEPHONE CONSUMER PROTECTION ACT
[ ] 110 INSURANCE						
[ ] 120 MARINE						
[ ] 130 MILLER ACT						
[ ] 140 NEGOTIABLE INSTRUMENT						
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT						
[ ] 151 MEDICARE ACT						
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)						
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS						
[ ] 160 STOCKHOLDERS SUITS						
[x] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES					
[ ] 195	CIVIL RIGHTS					
[ ] 196 FRANCHISE						
REAL PROPERTY		<input type="checkbox"/> 440 OTHER CIVIL RIGHTS (Non-Prisoner)		<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 BLACK LUNG (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID TITLE XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 490 CABLE/SATELLITE TV <input type="checkbox"/> 850 SECURITIES/COMMODITIES/EXCHANGE <input type="checkbox"/> 890 OTHER STATUTORY ACTIONS <input type="checkbox"/> 891 AGRICULTURAL ACTS <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 896 ARBITRATION <input type="checkbox"/> 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[ ] 210 LAND CONDEMNATION		<input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING/ACCOMMODATIONS	PRISONER CIVIL RIGHTS	<input type="checkbox"/> 462 NATURALIZATION APPLICATION <input type="checkbox"/> 465 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES	
[ ] 220 FORECLOSURE						
[ ] 230 RENT LEASE & EJECTMENT						
[ ] 240 TORTS TO LAND						
[ ] 245 TORT PRODUCT LIABILITY						
[ ] 290 ALL OTHER REAL PROPERTY		<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER <input type="checkbox"/> 448 EDUCATION	DISABILITIES - EMPLOYMENT CONDITIONS OF CONFINEMENT			

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Margaret M. Garnett DOCKET NUMBER 1:24-cv-07678

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |  |   |  |   |   |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented       |   |  |   |  |   | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File)         |
| <input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |   |   |

(PLACE AN X IN ONE BOX ONLY)

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input type="checkbox"/> 3 FEDERAL QUESTION<br>(U.S. NOT A PARTY) | <input checked="" type="checkbox"/> 4 DIVERSITY |
|---|---|---|---|

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input checked="" type="checkbox"/> 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

TEKLA BALFOUR-BROWNE

London, England

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

EDEN FINE ART NY INC. d/b/a EDEN GALLERY, New York, NY; CATHIA KLIMOVSKY, New York, NY; GUY MARTINOVSKY, New York, NY; YAAKOV GAL YOSEF, Miami, FL; CETRA ART CORPORATION, New York, NY

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I have reviewed Rules 18(a) and 20(a) of the Rules for the Division of Business Among District Judges, Southern District of New York, and I hereby certify that this case should be assigned to the courthouse indicated below pursuant thereto.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 2/7/2025 /s/ Chet B. Waldman

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

YES (DATE ADMITTED Mo. 04 Yr. 1998)  
Attorney Bar Code # 2071686

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so designated.

Tammi M. Hellwig, Clerk of Court by \_\_\_\_\_ Deputy Clerk, Dated \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

